



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

Minutes of Meeting April 18, 2018

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on April 18, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Director Charles Ryan, Arizona Department of Corrections
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department

Members Absent:

Sergeant Leo Aparicio, Pinal County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Chester Szoltysik, System Administrator
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
 Seth Hargraves
 Ann Froedge

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Mr. Ahler (AAG) to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General Ann Froedge will provide legal advice to the Board on the Joshua Adams Motion for Reconsideration matter.

C. Executive Director’s Report

Jack G. Lane, Executive Director

- Nothing new to report on the budget.
- Will attend the AACOP meeting this Friday.
- SB 1498 continues to move forward and has been amended to include language that POST may provide training for Amber Alert notification systems on tribal lands. SB 1519, the school safety Bill, will be heard tomorrow.

D. Consent Agenda

Sheriff Dannels made a motion to accept the Consent Agenda. The motion was seconded by Colonel Milstead and passed unanimously.

Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

Ryan M. Dean	17-144	Maricopa County Sheriff’s Office
Scott A. Cushing	16-112	Tucson Police Department
Jesse W. Nickerson	17-027	Cochise County Sheriff’s Office
Brian M. Waukazoo	17-060	Gila River Police Department

E. Review, Discussion and Possible Action on a Proposed Motion for Review and Reconsideration of the Decision to Re-Initiate Proceedings against the Peace Officer Certification of Joshua W. Adams

Eric R. Wilson, attorney for Joshua W. Adams, filed a Motion for Review and Reconsideration of the Board’s decision to re-initiate proceedings to take disciplinary action against Mr. Adams’ peace officer certification.

The Board considered oral arguments by Mr. Wilson and from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board

After considering the arguments made by the parties, Sheriff Dannels made a motion to deny the Motion for Review and Reconsideration of the Decision to Re-Initiate Proceedings against the peace officer certification of Joshua W. Adams. The motion was seconded by Colonel Milstead and passed unanimously.

F. Final Action Cases:

1. #16-194 – Jeff S. Williams – Tohono O’odham Nation Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Williams’ peace officer certification. The suspension shall be in effect from August 10, 2016 through August 10, 2017. The motion was seconded by Sheriff Dannels and passed with one nay vote recorded for Mr. Ahler (AAG).
2. #17-029 – Ismael E. Fuentes – AZ Attorney General’s Office
Mr. Ahler (AAG) recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Fuentes’ peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
3. #17-028 – Jason M. Walter – Surprise Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Walter’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
4. #17-110 – Aaron M. Jacobs – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Andreacola made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Jacobs’ peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
5. #17-175 – Francisco J. Perez – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Chief Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Perez’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

H. New Charging Cases:

1. #16-192 – Michelle T. Iszick – Florence Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Sergeant Andreacola made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Hall and passed unanimously.
2. #17-042 – Merrill T. Jones – Ft. McDowell Tribal Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Jones' peace officer certification. The motion was seconded by Sergeant Andreacola and passed unanimously.
3. #18-042 – David M. Kulaga – Glendale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Kulaga's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
4. #17-152 – Randy D. Stonecipher – Avondale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Stonecipher's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
5. #18-037 – Aadam M. Yates – Glendale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Yates' peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
6. #18-032 – Frank A. Green – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse; a short video and power point presentation was also shown. Mr. LeFevre made a motion to ***Initiate Proceedings*** against Mr. Green's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
7. #18-048 – Manuel Espinoza – Pima County Sheriff's Department
The Board considered comments from Compliance Specialist Arlene Heckel. Sheriff Dannels made a motion to ***Initiate Proceedings*** to deny Mr. Espinoza peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
8. 18-034 – Paul R. Kultala – Chandler Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Kultala's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

9. #17-188 – Andrew T. Dembickie – AZ Department of Corrections
Director Ryan recused himself from this case. The Board considered comments from Compliance Specialist Mike Orose. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Dembickie’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
10. #17-184 – David Lugo – AZ Department of Transportation - ECD
The Board considered comments from Compliance Specialist Mike Orose. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Lugo’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
11. #18-020 – John M. Bugenig – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Bugenig’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
12. #17-063 – Lauren J. Buhrow – AZ Department of Economic Security - OSI
Mr. Ahler (AAG) *recused himself from this case.* The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to ***Initiate Proceedings*** against Ms. Buhrow’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
13. #18-045 – Emily J. Wolfe – Navajo County Sheriff’s Office
The Board considered comments from Assistant Attorney General Michael Saltz. This case was originally on the agenda as a new charging case. Ms. Wolfe contacted POST staff and requested a voluntary denial of peace officer certification. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for voluntary denial of peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
14. #17-002 – Samuel W. Zint – Surprise Police Department
The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Initiate Proceedings*** to deny Mr. Zint peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

H. Future Agenda Items

Nothing new to add.

I. Adjournment

The meeting was adjourned at 11:20 a.m.